

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DAVID JOHNSON,

Plaintiff,

v.

BENJAMIN TOWNSEND, et. al.,

Defendants.

CIVIL ACTION NO. 3:03-CV-2277

(JUDGE CAPUTO)

MEMORANDUM

Presently before the Court is Magistrate Judge Thomas M. Blewitt's Report and Recommendation (Doc. 63).

Magistrate Judge Blewitt recommended that the Court deny Plaintiff's Motion for TRO and Preliminary Injunction (Doc. 22), as well as Plaintiff's Motion to Withdraw his Motion for TRO and Preliminary Injunction (Doc. 62). No objections were filed.

The failure to file objections permits the Court to review the Report and Recommendation for clear error and manifest injustice and then adopt without a formal opinion. *Cont'l Cas. Co. v. Dominick D'Andrea, Inc.*, 150 F.3d 245, 250 (3d Cir. 1998) ("[T]he district judge need take no time reviewing the matter unless a party objects to the order.").

NOW, this 2nd day of November, 2005, upon review of Magistrate Judge Thomas M. Blewitt's Report and Recommendation (Doc. 63) for clear error or manifest injustice, **IT IS HEREBY ORDERED** that:

(1) The Report and Recommendation (Doc. 63) is **ADOPTED**

- (2) Plaintiff's Motion for TRO and Preliminary Injunction (Doc. 22) is **DENIED**.
- (3) Plaintiff's Motion to Withdraw his Motion for TRO and Preliminary Injunction (Doc. 62) is **DENIED**.

/s/ A. Richard Caputo

A. Richard Caputo
United States District Judge